



City of Seattle

---

Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D.M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2208561

**Applicant Name:** Terry Beals for Central Puget Sound Regional Transit Authority ("Sound Transit")

**Address of Proposal:** 6940 Martin Luther King Jr. Way South

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for future Master Use Permit to establish the use for future construction of the "Myrtle Plaza" (Light Rail Transit Facility). The project includes installation of a systems equipment facility; pedestrian amenities and landscaping. The project, also, includes future demolition of existing structures. An Environmental Impact Statement (EIS) was prepared by Sound Transit (issued November 1999).

The following approvals are required:

**Essential Public Facilities** – SMC Chapter 23.80

**SEPA** - for conditioning only – SMC Chapter 25.05.

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☒ EIS\*  
☐ DNS with conditions  
☐ DNS involving non-exempt grading, or demolition or another agency with jurisdiction.

**BACKGROUND DATA**

Site Location: The subject property is located in Southeast Seattle and occupies five parcels situated at the northeast corner of Martin Luther King Jr. Way South and South Myrtle Street. The site is addressed as 6940 and 6930 Martin Luther King Jr. Way South.

---

\* Final Environmental Impact Statement issued by Central Puget Sound Regional Transit Authority in November 1999.

Site Description

The 56,114-square foot site is developed with a thrift store (Union Gospel Mission) on the northerly two parcels and an apartment building on the southerly three parcels.

The site is nearly flat and has been fully developed with the structures described above and with accessory parking. Street trees have been planted along the site's street frontages, but the site itself is primarily hard-surfaced.

The site does not contain any mapped or observed Environmentally Critical Areas (ECAs).

Zoning:

The entire site is located in a Neighborhood Commercial 3 zone, with a height limit of 65 feet (NC3-65). In addition, the site is located in a light rail transit overlay and is classified as a Residential Urban Village within the Martin Luther King Junior at Holly Street Neighborhood Plan.

Zoning in Vicinity:

Zoning along this portion of Martin Luther King Jr. Way S. is primarily NC3-65. (Parcels to the immediate west, south, and east are all zoned NC3-65). To the east of the site the abutting properties are within a Residential, Multifamily, Lowrise 2 (L2) zone.

Uses in Vicinity:

Properties along Martin Luther King Jr. Way S. contain a mix of commercial and residential uses. Multi-family and single-family residential uses are located to the north and east of the site, respectively.

Public Comments

The public comment period ended March 12, 2003. The Department received no comments concerning the proposal.

**PROJECT DESCRIPTION**

The subject proposal is an element of Sound Transit's Central Link light rail C730/C740 segment along Martin Luther King Jr. Way South. The C730/C740 contract is a component of Sound Transit's Initial Segment that would ultimately connect downtown Seattle with the City of Tukwila. Under this application, Sound Transit proposes to (1) demolish the existing structures at the site to accommodate future realignment and widening of Martin Luther King Way Jr. South and (2) construct improvements for the "Myrtle Plaza."

The two existing structures located on the northerly three parcels would be demolished due to the widening of the Martin Luther King Jr. Way S. right-of-way. These three parcels plus the abutting parcel developed with a play area would continue to be held under private ownership and are not a part of the plaza location. The remaining southerly parcel (8,108 sf) would be the location of the proposed "Myrtle Street Plaza." The project includes the construction of the plaza and the installation of a systems equipment buildings and equipment. The plaza would be a pedestrian-oriented area and would be located at the site's south end at the intersection of

Martin Luther King Jr. Way S. and S. Myrtle Street. The plaza area would be hard-surfaced with concrete pavers and would include a seat wall, bike racks, an information kiosk, a bus shelter, a paratransit shelter, landscaping (trees, shrubs, and ground cover) and a public art feature. Following the anticipated realignment and widening of the Martin Luther King Jr. Way South right-of-way, some of these features would be located within City right-of-way.

In addition to the pedestrian amenities, a 750 sf systems building, a 150 sf signal building and an electrical services cabinet would be placed at the plaza area's northern edge. Finally, approximately 551 cubic yards of grading would occur during and after the demolition of the existing structures and for the construction of the site improvements.

### **ANALYSIS – ESSENTIAL PUBLIC FACILITIES**

Pursuant to SMC 23.80.002, in reviewing an application for a proposed essential public facility, the Director considers a specified set of criteria listed in SMC 23.80.004. Based on the information provided by the applicant and review of the proposal by the Land Use Planner, the following findings are made with respect to the criteria cited:

#### **SMC 23.80.004 A:**

1. ***Interjurisdictional Analysis. A review to determine the extent to which an interjurisdictional approach may be appropriate, including consideration of possible alternative sites for the facility in other jurisdictions and an analysis of the extent to which the proposed facility is of a county- wide, regional or state-wide nature, and whether uniformity among jurisdictions should be considered.***

The proposed Central Link light rail system is a component of the region's voter-approved Sound Move, Sound Transit's 10-year program for regional high-capacity transportation. As part of the development of Sound Move, and the preparation of the Environmental Impact Statement for the Central Link light rail line, a wide range of alternative routes were considered before selecting the proposed route. To achieve its purpose, the Central Link light rail system would extend through the most heavily populated portions of King County and Seattle and would be located in several local jurisdictions between SeaTac and North Seattle. The overall design of the system was based on an interjurisdictional approach to transportation planning in the region.

2. ***Financial Analysis. A review to determine if the financial impact upon the City of Seattle can be reduced or avoided by intergovernmental agreement.***

The Final Environmental Impact Statement for the Central Link Light Rail Project addresses the potential impacts of the project, including the potential financial impact on the City of Seattle. The potential financial impact was considered by the Federal Transit Administration prior to issuance of its Record of Decision which included measures to mitigate potential impacts.

3. ***Special Purpose Districts. When the public facility is being proposed by a special purpose district, the City should consider the facility in the context of the district's overall plan and the extent to which the plan and facility are consistent with the Comprehensive Plan.***

It appears that Sound Transit is not a Special Purpose District. Nevertheless, the City has considered the Central Link Rail Project in its entirety. The City participated in preparation of the Sound Move plan and in the EIS for the Central Link Project and was actively involved in the siting decisions for the various segments of the Central Link Project. As part of planning for the Central Link Project, the City Council passed resolution 30128 (dated April 17, 2000) approving the alignment, transit station locations, and maintenance base location for the project in Seattle. The City's Comprehensive Plan directly supports the project. Comprehensive Plan Policy T34 calls for the City to support the development of an integrated regional transportation system that includes light rail. In addition, Policies T35 and T38.5 also address a potential light rail system.

4. ***Measures to Facilitate Siting. The factors that make a particular facility difficult to site should be considered when a facility is proposed, and measures should be taken to facilitate siting of the facility in light of those factors (such as the availability of land, access to transportation, compatibility with neighboring uses, and the impact on the physical environment).***

Potential impacts of the project and the measures to mitigate those impacts are discussed in the 1999 FEIS and the 2001 FEIS Addendum for the Initial Segment. Please refer to the SEPA analysis included with this report.

**SMC 23.80.004 B:**

This subsection states that if the decision maker determines that attaching conditions to the permit approval will facilitate project siting in light of the considerations identified above, the decision maker may establish conditions for the project for that purpose. Potential impacts of the project and the measures to mitigate those impacts are discussed in the 1999 FEIS and the 2001 FEIS Addendum for the Initial Segment. Please refer to the SEPA analysis included with this report.

**23.80.004 C: Light rail transit facilities.**

1. ***Light rail transit facilities necessary to support the operation and maintenance of a light rail transit system are permitted in all zones within the City of Seattle.***

The proposed element of the Central Link Light Rail Project is permitted in the subject NC3-65 zone.

2. ***The Director may approve a light rail transit facility pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions only if the alignment, transit station locations, and maintenance base location of the light rail transit system have been approved by the City Council by ordinance or resolution.***

The City of Seattle City Council passed and the Mayor approved Resolution 30128 (dated April 17, 2000) approving the alignment, transit station locations, and maintenance base location for Sound Transit's Central Link Light Rail project in Seattle. The proposed demolition and Myrtle Street Plaza are consistent with the approved Resolution.

3. ***When approving light rail transit facilities, the Director may impose reasonable conditions in order to lessen identified impacts on surrounding properties. A Master Use Permit is not required for the installation of tracks, below-grade facilities, minor alteration of light rail transit facilities involving no material expansion or change of use, and other minor new construction that, in the determination of the Director, is not likely to have significant adverse impacts on surrounding properties.***

This Master Use Permit application is for the demolition of two existing structures and the installation of improvements for “Myrtle Street Plaza.” The project is an integral part of the overall transit system. Sound Transit issued a Final FEIS for the proposed system in November of 1999 and Addendum to the Final EIS for the Initial Segment on November 16, 2001. The environmental documents identified potential impacts of the system and its components, as well as adequate mitigation measures. Please refer below to the SEPA analysis related to the mitigation of the potential impacts of this project.

4. ***When approving light rail transit facilities, the Director may impose conditions to ensure consistency with the Seattle Design Guidelines for Link Light Rail to be developed by the City and Sound Transit.***

The City of Seattle has developed design guidelines to specifically address the Link light rail system under development by Sound Transit. These design guidelines do not apply to the development of the subject pedestrian plaza and associated improvements.

5. ***A Master Use Permit for light rail transit facilities shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Grant Agreement with a federal agency) to complete the work described in the master use permit application.***

The City’s Sound Transit Program Manager reviewed the Financial Capacity Statement submitted by Sound Transit for the demolitions and Othello Plaza. On June 27, 2003, the Program Manager confirmed that the Financial Capacity Statement meets applicable code criteria.

#### **DECISION – ESSENTIAL PUBLIC FACILITY**

The Essential Public Facility application request is **APPROVED**.

#### **ANALYSIS - SEPA**

Central Puget Sound Regional Transit Authority (Sound Transit) as lead agency has disclosed the environmental impacts of the proposed light rail stations (including the Othello station and its associated plaza) in a Final Environmental Impact Statement (FEIS) issued in November of 1999. An addendum to the Final EIS for the Initial Segment was issued on November 16, 2001, which generally evaluated a reduced rail alignment (from 21 miles to an initial 14 mile segment). The Director hereby incorporates by reference the FEIS and the Addendum to the FEIS. The addendum concludes that there has been no substantial change in impacts from those identified in the foregoing EIS materials. The information in the EIS, supplemental information provided

by the applicant (plans, further project descriptions), and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship among codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* (subject to some limitations).

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

### Short-term Impacts

The following temporary or construction-related impacts are expected:

- decreased air quality due to suspended particulates from demolition and construction activities and hydrocarbon emissions from construction vehicles and equipment;
- potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work;
- increased traffic and demand for parking from construction equipment and personnel;
- conflicts with normal pedestrian and vehicular movement adjacent to the site; and
- increased noise.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, these codes and ordinances are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts may not be adequately mitigated by existing ordinances, as discussed below.

### Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. PSCAA, the Department of Labor and Industry, and the Environmental Protection Agency (EPA) regulations provide for the safe removal and disposal of asbestos that may be encountered during the demolition of the site's five existing structures. However, no permit process exists to ensure that PSCAA has been notified of the proposed building demolition and that asbestos has been removed from the site. Therefore, a condition shall be added requiring the applicant to submit to DPD a copy of the PSCAA demolition permit prior to issuance of the construction permit. This condition is imposed pursuant to SEPA authority to mitigate air quality, construction and environmental health impacts, SMC 25.05.675 A, B, and F.

Compliance with PSCAA regulations would mitigate any other potential adverse short term impacts to air associated with demolition and installation of the plaza amenities.

#### Grading - Earth/Soils

Any additional information required to verify conformance with applicable ordinances and codes (The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) would be required prior to the issuance of demolition permits and any required construction permits for the Myrtle Street Plaza. The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves possibly greater than three feet in height and grading of more than 100 cubic yards of material.

The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

#### Traffic and Parking

Construction traffic would only minimally increase congestion in the area, and the area has adequate street access to accommodate any increased traffic. Parking for construction personnel would be available on the subject site.

Therefore, no further mitigation for traffic and parking related impacts during construction is warranted pursuant to SEPA policies.

#### Noise

Demolition and other construction activities would generate short-term noise. The applicant proposes to implement a Construction Noise Mitigation Plan. This plan requires that Sound Transit and its contractor comply with the City's noise control ordinance (SMC Chapter 25.08). In addition, the plan requires that Sound Transit work with its contractor, in advance of construction, to plan the construction work in a manner that minimizes potential noise impacts on the neighbors. Sound Transit has a community outreach program to keep the adjacent communities informed throughout construction. The outreach will include updates at community organization meetings, written construction updates, regular door-to-door visits with residents, and other similar efforts. A 24-hour construction hotline will be established, and a record will be kept of all noise complaints. When a complaint is received, Sound Transit will use every reasonable effort to resolve it to the satisfaction of the complainant. The project should be conditioned to require that Sound Transit submit to DPD on a monthly basis a list of the noise complaints received during construction and Sound Transit's response to each complaint. DPD will review the list to verify that Sound Transit is complying with the noise mitigation plan and that reasonable measures are taken to mitigate demolition and construction noise.

#### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal, and include:

- Impact on the existing commercial uses in the vicinity of the project; and

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code requires on-site collection of stormwater, with provisions for controlled tightline release to an approved outlet, and additional design elements to prevent isolated flooding. The Land Use Code controls site coverage, setbacks, building height and use, and contains other development and use regulations to assure compatible development. Generally, compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts. However, one potential impact warrants further analysis.

*Land Use (Impact on existing commercial uses)*

Displacement would occur of existing businesses on the site. To address this impact, Sound Transit provides relocation assistance to such businesses in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and in accordance with Sound Transit's Real Property Acquisition and Relocation Policy Procedures and Guidelines. Therefore, no additional mitigation is warranted pursuant to SEPA policy.

**CONCLUSION - SEPA**

Applicable conditions of approval together with codes and development regulations applicable to this proposed project, provide sufficient mitigation for most impacts identified in the adopted environmental documents. However, additional conditioning to mitigate short-term noise impacts is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The DEIS and FEIS together with associated appendices and studies; the master use permit plans submitted on the project; and responses to requests for information all comprise DPD's public record. Conditions imposed pursuant to SEPA assume installation of mitigating devices, structures and measures noted in the above analysis. Pursuant to SMC 25.05.600.D.1, DPD relies on Sound Transit's FEIS in conditioning project approval.

**DECISION - SEPA**

Environmental impacts for the proposal were identified and analyzed in the Final Environmental Impact Statement issued by Sound Transit. DPD has the authority to mitigate impact pursuant to the city's SEPA practices. Therefore, the proposal is APPROVED subject to the conditions/mitigating measures noted at the conclusion of this report.

**CONDITIONS - ESSENTIAL PUBLIC FACILITIES**

NONE.



**CONDITIONS - SEPA**

*The applicant (Sound Transit) shall:*

Prior to Issuance to Demolition Permit

1. The owner(s) and/or responsible party(s) shall submit a copy to DPD of any required PSCAA Demolition Permit(s).

During Construction

2. The applicant shall comply with the Construction Noise Mitigation Plan submitted to DPD, a copy of which is in the Master Use Permit file. The applicant shall submit to DPD on a monthly basis a list of the noise complaints received during construction of the improvements and Sound Transit's response to each complaint. The applicant shall mail the list to the attention of the undersigned DPD planner. DPD will review the list to verify that Sound Transit is complying with the noise mitigation plan and that reasonable measures are taken to mitigate demolition and construction noise.

For the Life of the Project

3. Comply with all conditions and mitigating measures listed herein and described in the adopted FEIS for the proposal to the satisfaction of the City. For conditions which specify approval by a particular agency of the City or a State or Federal agency, that approval will constitute satisfactory compliance. Unless otherwise noted, DPD shall determine the issue of satisfactory compliance with conditions imposed under City authority.

Signature: (signature on file) Date: November 24, 2003  
Carol I. Proud, Senior Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Services